IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1817 OF 1979

The Municipal Corporation
of Greater Bombay. .. Plaintiff

vs.

Union of India. Defendants.

Mr. Havinder Toor i/by Crawford Bayley & Co.
for Plaintiff
Mr. S.R. Rajguru i/by K.C. Sidhwa
for Defendants.

CORAM : S.U. KAMDAR, J.
DATE : 24th March, 2006.

P.C.:

. By an order dated 22.3.2006 I have recorded that in the present matter Commissioner was appointed on 26.6.2005 but because of non-cooperation on the part of the plaintiff the matter could not be proceeded with except one meeting held on 5.9.2005 and inspite of the aforesaid the petitioner has obtained adjournments on 20.1.2006, 27.1.2006 and 3.3.2006 before the earlier Judge. On 10.3.2006 the matter was before

me and the matter was fixed for hearing on 16.3.2006 at the request of the plaintiffs. On 17.3.2006 when the matter reached, none appeared and, therefore, the matter was adjourned once again for dismissal to 22.3.2006. I have recorded in my order that dated 22.3.2006 that the plaintiff is not ready to prosecute the matter and he said that the original documents are not available and wanted to rely upon the secondary evidence being Xerox copies of the documents without making out any case for taking the said documents on record. By my order dated 22.3.2006 I directed an application for secondary evidence to be brought on record on the condition of payment of costs of Rs. 2500/-. The learned counsel appearing for the plaintiffs states that he has instructions to make a statement that the order of 22.32006 has not been complied with. In that view of the matter, the present suit must fail and the same is accordingly dismissed.